

# Notice of Allowability

Application No.

09/901,560

Examiner

Hoang-Vu A. Nguyen-Ba

Applicant(s)

KENYON, JEREMY A.

Art Unit

2192

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to Appeal Brief filed 3/2/06.
2. ☒ The allowed claim(s) is/are 1-36.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) ☐ All b) ☐ Some\* c) ☐ None of the:
    1. ☐ Certified copies of the priority documents have been received.
    2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
  5. ☐ CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.
    - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached
      - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date \_\_\_\_\_.
    - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date \_\_\_\_\_.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

## Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date \_\_\_\_\_
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413), Paper No./Mail Date \_\_\_\_\_
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other \_\_\_\_\_

*Hoang-Vu A. Nguyen-Ba*

ANTONY NGUYEN-BA  
PRIMARY EXAMINER

***Examiner's Amendment***

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Robert Peck, Reg. No. 56,826 on May 23, 2006.

The application has been amended as follows:

in claim 7, line 1: after "wherein the family of" delete "product" and insert – program –

in claim 13, line 2: after "ones of" delete "executable" and insert – executables –

in claim 14, line 13: after "to convey to a user of the" delete "client device" and insert -- apparatus –

in claim 24, line 1: after "wherein" delete "said resource" and insert – at least one of said resources –

in claim 25, line 11: after "to which at least" insert – one –

in claim 27, line 1: after "wherein" delete "said resource" and insert – at least one of said resources –

in claim 30, line 1: after "wherein" delete "said resource" and insert – at least one of said resources –

***Examiner's Statement of Reasons for Allowance***

2. Claims 1-36 are allowed.

3. The following is an examiner's statement of reasons for allowance:

The prior art of record, i.e., U.S. Patent No. 6,314,570 to Tanigawa and U.S. Patent Publication No. 2002/0080771 by Krumer, and the newly found art made of record, i.e., U.S. Patent No. 6,915,451 to Fitzgerald et al. ("Fitzgerald") and U.S. Patent No. 6,023,267 to Chapuis et al. ("Chapuis"), taken individually or in combination, fail to teach or suggest a method of communication and/or transaction with client through active management of a client menu hierarchy, the method comprising the steps as recited in independent claim 1.

Tanigawa, Krumer, Fitzgerald and Chapuis, taken individually or in combination, fail to teach or suggest an apparatus comprising a storage medium having stored therein a plurality of programming instructions when executed enables the apparatus to perform the steps recited in independent claims 14, 25 and 33.

Tanigawa, Krumer, Fitzgerald and Chapuis, taken individually or in combination, fail to teach or suggest a server apparatus comprising a storage medium having stored therein a plurality of programming instructions when executed enables the apparatus to perform the steps recited in independent claims 28 and 35.

Tanigawa, Krumer, Fitzgerald and Chapuis, taken individually or in combination, fail to teach or suggest a method for installing comprising the steps as recited in independent claims 22 and 31.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the Examiner should be directed to Hoang-Vu A. Nguyen-Ba whose telephone number is (571) 272-3701. The Examiner can normally be reached on Tuesday - Friday from 7:45 – 18:15.

If attempts to reach the Examiner by telephone are unsuccessful, the Examiner's Supervisor, Tuan Dam can be reached at (571) 272-3695.

The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the TC 2100 Group receptionist: 571-272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



ANTONY NGUYEN-BA  
PRIMARY EXAMINER

May 25, 2006